

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: <i>9/18/08</i>
DATE FILED: <i>9/18/08</i>

IN RE METHYL TERTIARY BUTYL ETHER
PRODUCTS LIABILITY LITIGATION

X

This document relates to:

*Patrick County School Board v. Amerada Hess
Corporation, et al.*, Case No. 04-CV-02070

Master File No. 1:00-1898

MDL 1358 (SAS), M21-88

**ORDER OF DISMISSAL WITH
PREJUDICE**

X

The Plaintiff and those Settling Defendants that are parties in this action as set forth on the attached Exhibit A have advised the Court that they have resolved the matters between them pursuant to the Settlement Agreement¹, and Plaintiff has now moved without opposition for the entry of this agreed upon dismissal of all claims of any kind pending against the Settling

In Re: [Methyl Tertiary Butyl Ether \("MTBE"\) Products Liability Litigation](#)
Defendants with prejudice. The Court finds that the motion for dismissal of Settling Defendants with prejudice from this action should be granted and that:

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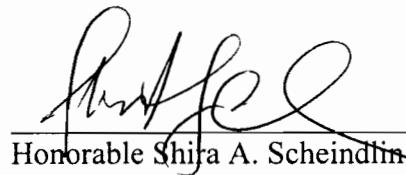
IT IS THEREFORE ORDERED, ADJUDGED AND DECREED as follows:

1. The Plaintiff and Settling Defendants have advised the Court that they have resolved the matters between them pursuant to a Settlement Agreement and a release.
2. Pursuant to the Settlement Agreement, the settling parties consent to the dismissal with prejudice of Settling Defendants only from this action.

¹ The Settlement Agreement dated as of March 12, 2008 ("Settlement Agreement") was filed with this Court on May 7, 2008 in connection with a motion for good faith determination under California and Illinois law in certain other cases. This motion was granted and a judgment entered. *See Amended Opinion and Order at 2008 WL 2944653 (July 30, 2008).* The term "Settling Defendants" used herein is as defined in the Settlement Agreement.

3. No other parties have objected to the dismissal of the above entitled action with prejudice as to the Settling Defendants only.
4. Therefore, this action, including all claims, counterclaims, and cross-claims of any kind, is hereby dismissed with prejudice only as to those Settling Defendants that have been named or have appeared in the above captioned action, including those identified on the attached Exhibit A, with each party to bear its own costs and attorneys' fees.

ENTERED this 17 day of September, 2008:



Honorable Shira A. Scheindlin

EXHIBIT A

The Settling Defendants below are named defendants in the case of *Patrick County School Board v. Amerada Hess Corporation, et al.*, Case No. 04-CV-02070 and are listed as they appear in the caption of Plaintiffs' complaint (even if erroneously identified or no longer in existence).

1. Amerada Hess Corporation
2. Ashland, Inc.
3. Atlantic Richfield Company, individually and doing business as ARCO Products Company (f/k/a ARCO Petroleum Co.), and also known as ARCO
4. BP America Inc. (a/k/a BP)
5. BP Products North America, Inc., individually and as successor-by-merger to Amoco Oil Company, and BP Exploration and Oil Inc. (successor-by-merger to BP North America, Inc.)
6. ChevronTexaco Corporation, individually and as successor-in-interest to Chevron Corporation and as successor-in-interest to Texaco, Inc.
7. Chevron U.S.A., Inc., individually and formerly known as Gulf Oil Corporation (d/b/a Chevron Products Company, d/b/a Chevron Chemical Company)
8. CITGO Petroleum Corporation
9. CITGO Refining and Chemicals Company, LP
10. Coastal Eagle Point Oil Company
11. Coastal Mobile Refining Company
12. Coastal Oil New England
13. Colorado Refining Company
14. ConocoPhillips Company, individually and as successor by merger to Conoco Inc., Phillips Petroleum Company and Tosco Corporation, and d/b/a Phillips 66 Company
15. El Paso CGP Company, individually and formerly known as The Coastal Corporation
16. El Paso Corporation, individually and formerly known as El Paso Energy Corporation
17. El Paso Merchant Energy-Petroleum Company, individually and formerly known as Coastal Refining and Marketing, Inc., and formerly known as Coastal States Trading, Inc.
18. Equilon Enterprises, LLC, individually and also known as Shell Oil Products, US
19. Flint Hills Resources, LP (formerly known as Koch Petroleum Group, LP)
20. Lyondell-CITGO Refining, LP
21. Marathon Ashland Petroleum, LLC
22. Marathon Oil Company, individually and formerly known as USX Corporation (f/k/a United States Steel Corporation)
23. Motiva Enterprises, LLC, individually and formerly known as Star Enterprises LLC
24. PDV Midwest Refining, LLC
25. The Premcor Refining Group, Inc., individually and formerly known as Clark Refining
26. Shell Oil Company
27. Shell Oil Products Company
28. Shell Oil Products Company, LLC
29. Shell Petroleum, Inc.
30. Shell Trading (US) Company, individually and formerly known as Equiva Trading Company, and also known as STUSCO
31. Sunoco, Inc., individually and formerly known as Sun Oil Company, and formerly known as Sun Company, Inc., and as successor-in-interest to Coastal Eagle Point Oil Company

32. Sunoco, Inc. (R&M), individually and formerly known as Sun Refining and Marketing Company and formerly known as Sun Company Inc. (R&M)
33. Texaco, Inc.
34. Texaco Refining & Marketing, Inc. (a/k/a TRMI Holdings)
35. Texaco Refining & Marketing (East), Inc.
36. Tosco Corporation, individually and as predecessor-in-interest to ConocoPhillips Company, and also known as Tosco Refining Company, and also known as Tosco Marketing Company
37. TMR Company (formerly known as Texaco Refining and Marketing, Inc., individually and as successor-by-merger to TRME Company (f/k/a Texaco Refining and Marketing (East))
38. TPI Petroleum, Inc.
39. Union Oil Company of California (d/b/a Unocal)
40. Unocal Corporation, individually and formerly known as Union Oil Company of California
41. Valero Energy Corporation
42. Valero Marketing and Supply Company
43. Valero Refining and Marketing Company
44. Valero Refining Company